

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

SHANTA LYNETTE BROWN,)	
and)	
AQUASHA SANDIDGE,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action: 6:23cv00054
)	
THE CITY OF LYNCHBURG, <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANTS' OBJECTIONS TO
PLAINTIFF'S RULE 26(a)(3) PRETRIAL DISCLOSURES**

Defendants City of Lynchburg, Seth Reed, Zachary Miller, and Robbin Miller (collectively, the "Defendants"), by counsel, and file their objection to certain documents identified in the Plaintiffs' Rule 26(a)(3) Pretrial Disclosures (ECF No. 52). In support thereof, Defendants state as follows:

I. OBJECTIONS TO EXHIBITS

Plaintiffs have not identified their exhibits in a manner by which we can identify them. They described items to be introduced as evidence with Plaintiff_0001 through _0010, but have never produced any materials with those labels, leaving us to speculate as to which items would be used. For example, they identify a bodycam video and a dash cam video of Seth Reed but they produced multiple snippets during discovery with no bates labels, leaving Defendants to guess, with the trial approaching, as to what materials will be introduced.

In addition to objecting to all exhibits as they were identified in the pretrial disclosures, we specifically object to the following exhibits:

1. Audio Recording of Shanta Brown's Criminal Trial: Plaintiffs should not be permitted to introduce testimony, other evidence, or argument from the criminal proceedings via audio recording. The introduction of any such evidence would confuse and mislead the jury in violation of Rule 403, because jurors would be forced to listen to and evaluate arguments and testimony in criminal proceedings without knowing who is speaking, with testimony that is hearsay, wasting time and confusing the issues with matters that are not the subject of this lawsuit.

2. Notice of Termination of employment of Shanta Brown: The termination notice contains inadmissible hearsay.

II. OBJECTIONS TO PLAINTIFFS' PROPOSED DEPOSITION DESIGNATIONS

Defendants object to the following deposition testimony designated by Plaintiff:

A. SETH REED

Using the numbering system employed by the Plaintiffs, Defendants object as follows:

18:15-19:23	Irrelevant, hearsay, lack of foundation
25:20-25:25	Irrelevant, lack of foundation
29:8-30:11	Irrelevant, lack of foundation, more prejudicial than probative
36:4-41:3	Irrelevant, hearsay, speculation, more prejudicial than probative
42:10-44:1	Irrelevant, speculation, more prejudicial than probative

B. ZACHARY MILLER

16:12-14	Irrelevant, speculation
20:23-21:15	Irrelevant, hearsay
44:15-45:5	Irrelevant, lack of foundation, hearsay

58:7-60:10	Speculation, hearsay
72:13-21	Irrelevant, speculation
73:18-74:2	Hearsay, speculation, lack of foundation
75:1-77:14	Lack of foundation, speculation, more prejudicial than probative
78:17-80:18	Hearsay, speculation, more prejudicial than probative
81:9-20	Lack of foundation, speculation, hearsay
94:22-95:12	Lack of foundation, hearsay, more prejudicial than probative

C. ROBBIN MILLER

17:5-19:6	Lack of foundation, hearsay, more prejudicial than probative
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CITY OF LYNCHBURG, SETH REED,
ZACHARY MILLER, and ROBBIN MILLER

By /s/ John R. Fitzgerald

Jim H. Guynn, Jr. (VSB #22299)

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Counsel for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that on this 27th day of January, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

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